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## State of Connecticut REGULATION of

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NAME OF AGENCY

Energy and Environmental Protection

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### Concerning

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SUBJECT MATTER OF REGULATION

**Amendment of sections 22a-174-1, 22a-174-3a, 22a-174-36b,  
22a-174-26 and repeal of sections 22a-174-17, 22a-174-43 and 22a-174-100 of the  
Regulations of Connecticut State Agencies (RCSA)**

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**Section 1. Definition (62) of section 22a-174-1 of the Regulations of Connecticut State Agencies is amended as follows:**

(62) “Major source baseline date” means January 6, 1975 for particulate matter and sulfur dioxide; [and] February 8, 1988 for nitrogen dioxide; and October 20, 2010 for PM<sub>2.5</sub>.

**Sec. 2. Table 3a(i)-1 of section 22a-174-3a(i) of the Regulations of Connecticut State Agencies is amended as follows:**

**Table 3a(i)-1 Ambient Impact**

AIR POLLUTANT	AMBIENT IMPACT (MICROGRAMS PER CUBIC METER)
<u>PM<sub>2.5</sub></u>	
<u>Annual average</u>	<u>0.3</u>
<u>24-hour average</u>	<u>1.2</u>
PM <sub>10</sub>	
Annual average	1
24-hour average	5
Sulfur Dioxide	
Annual average	1
24-hour average	5
3-hour average	25
Carbon Monoxide	
8-hour average	500
1-hour average	2000
Nitrogen Dioxide	
Annual average	1
Dioxin	
Annual average (as calculated according to Section 22a-174-1(29) of the Regulations of Connecticut State Agencies) (Polychlorodibenzodioxins (PCDDs)) (Polychlorodibenzofurans (PCDFs))	(Notwithstanding above units) 0.1 picograms/m <sup>3</sup>
Lead (Pb)	
Three (3) month average	0.3

**Sec. 3. Table 3a(k)-1 of section 22a-174-3a(k) of the Regulations of Connecticut State Agencies is amended as follows:**

**Table 3a(k)-1 Significant Emission Rate Thresholds**

AIR POLLUTANT	EMISSION LEVELS (TONS PER YEAR)
Carbon Monoxide	100
Nitrogen Oxides (as an ozone precursor)	25
Nitrogen Oxides (as a PM <sub>2.5</sub> precursor)	<u>40</u>
Nitrogen Oxides (NO <sub>x</sub> National Ambient Air Quality Standard)	40
[Sulfur Dioxide]	[40]
Sulfur Dioxide (as a PM <sub>2.5</sub> precursor)	<u>40</u>
Sulfur Dioxide (SO <sub>2</sub> National Ambient Air Quality Standard)	<u>40</u>
Particulate Matter	25
PM <sub>2.5</sub>	<u>10</u>
PM <sub>10</sub>	15
Volatile Organic Compounds	25
Hydrogen Sulfide (H <sub>2</sub> S)	10
Total Reduced Sulfur (including H <sub>2</sub> S)	10
Reduced Sulfur Compounds (including H <sub>2</sub> S)	10
Sulfuric Acid Mist	7
Fluorides	3
Lead	0.6
Mercury	0.1
Municipal Waste Combustor Organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 <sup>-6</sup>
Municipal Waste Combustor Metals (Measured as particulate matter)	15
Municipal Waste Combustor Acid Gases (Measured as sulfur dioxide and hydrogen chloride)	40

**Sec. 4. Table 3a(k)-2 of section 22a-174-3a(k) of the Regulations of Connecticut State Agencies is amended as follows:**

**Table 3a(k)-2 Maximum Allowable Increase above Baseline Concentration**

AIR POLLUTANT	PSD INCREMENT (ug/m <sup>3</sup> )
<u>PM<sub>2.5</sub></u>	
<u>Annual Arithmetic Mean</u>	<u>4</u>
<u>24-Hour Average</u>	<u>9</u>
Particulate Matter, as PM <sub>10</sub>	
Annual Arithmetic Mean	17
24-Hour Average	30
Sulfur Dioxide	
Annual Arithmetic Mean	20
24-Hour Average	91
3-Hour Average	512
Nitrogen Dioxide	
Annual Arithmetic Mean	25

**Sec 5. Section 22a-174-3a(l)(1) of the Regulations of Connecticut State Agencies is amended as follows:**

(1) Applicability. In accordance with subsection (a) of this section, the provisions of this subsection shall apply to the owner or operator of: [any new major stationary source or major modification which:]

- (A) [Is or will be a] Any new major stationary source that: [or major modification for any nonattainment air pollutant if such source is located in a non-attainment area for such air pollutant; or]
  - (i) Is or will be constructed in a designated nonattainment area; and
  - (ii) Is or will be major for the pollutant for which the area is designated as nonattainment;
- (B) [Is located in an attainment area or unclassifiable area, but the allowable emissions of any air pollutant would cause or exacerbate a violation of a National Ambient Air Quality Standard in an adjacent non-attainment area. Allowable emissions of any such air pollutant will be deemed not to cause or contribute to a violation of a National Ambient Air Quality Standard provided that such emissions result in impacts that are less than levels set forth in Table 3a(i)-1 in subsection (i) of this section.] Any major modification that:
  - (i) Occurs at a source that is major for the pollutant for which the area is designated as nonattainment; and
  - (ii) Is or will be major for the pollutant for which the area is designated as nonattainment; or

- (C) Any new major stationary source or major modification that is located in an attainment area or unclassifiable area, where the allowable emissions of any air pollutant would cause or exacerbate a violation of a National Ambient Air Quality Standard in an adjacent nonattainment area. Allowable emissions of any such air pollutant shall be deemed not to cause or contribute to a violation of a National Ambient Air Quality Standard provided that such emissions result in impacts that are less than the levels set forth in Table 3a(i)-1 in subsection (i) of this section.

**Sec 6. Section 22a-174-3a(l)(4) of the Regulations of Connecticut State Agencies is amended as follows:**

- (4) Offsetting emission reductions or Emission Reduction Credits.
- (A) Except as provided in subdivision (8)(B) of this subsection, prior to commencing operation pursuant to a permit issued under this section, the owner or operator of the subject source or modification shall:
- (i) reduce actual emissions from other stationary sources on such premises, sufficient to offset the allowable emissions increase for each individual non-attainment air pollutant which is the subject of the application, or
  - (ii) obtain certified emission reduction credits in accordance with subdivision (5) of this subsection, which credits are sufficient to offset the allowable emissions increase for each individual nonattainment air pollutant; and
- (B) The commissioner shall not grant a permit to an owner or operator of the subject source or modification unless the owner or operator demonstrates that internal offset or certified emission reduction credits pursuant to subparagraph (A) of this subdivision:
- (i) have occurred preceding the submission of such application and prior to the date that the subject source or modification becomes operational and begins to emit any air pollutant. The commissioner may consider a time period beginning no earlier than November 15, 1990,
  - (ii) are not otherwise required by any of the following: the Act; a federally enforceable permit or order; the State Implementation Plan; or the regulations or statutes in effect when such application is filed,
  - (iii) will be incorporated into a permit or order of the commissioner and would be federally enforceable,
  - (iv) will create a net air quality benefit in conjunction with the proposed emissions increase. In determining whether such a net air quality benefit would be created, the commissioner may consider emissions on an hourly, daily, seasonal or annual basis. For carbon monoxide or particulate matter (total suspended particulate,  $PM_{2.5}$  and  $PM_{10}$ ), the net air quality benefits shall be determined by the use of atmospheric modeling procedures

approved by the commissioner and the Administrator in writing. Upon the request of the commissioner, the owner or operator shall make and submit to the commissioner, a net air quality benefit determination for each air pollutant. Such determination shall include, but not be limited to, all increases and decreases of emissions from stationary sources at any premises providing the offsetting emission reductions,

- (v) shall be based on the pounds per hour of potential emissions increase from the subject source or modification. The commissioner may consider other more representative periods, including, but not limited to, tons per year or pounds per day,
- (vi) are identified in an emissions inventory maintained by the commissioner or otherwise approved in writing by the commissioner,
- (vii) are of the same non-attainment air pollutant of which the owner or operator proposes to increase. Reductions of any exempt volatile organic compound [listed in Table 1-3 of section 22a-174-1 of the Regulations of Connecticut State Agencies or those] listed in 40 CFR 51.100 shall not be used to offset proposed increases emissions of non-exempt volatile organic compounds,
- (viii) occurred at either: one or more stationary sources in the same nonattainment area or stationary sources in another non-attainment area if, pursuant to the Act, such area has an equal or higher nonattainment classification than the area in which the proposed activity would take place, and if emissions from such other nonattainment area contribute to a violation of a National Ambient Air Quality Standard in the non-attainment area in which the proposed activity would take place,
- (ix) for the applicable non-attainment air pollutant, shall be from reductions in actual emissions, and
- (x) offset actual emissions at a ratio greater than one to one, as determined by the commissioner. In addition, the owner or operator shall offset emission increases of allowable emissions at a ratio, for volatile organic compounds or nitrogen oxides, of at least: 1.3 to 1 in any severe non-attainment area for ozone, and 1.2 to 1 in any serious non-attainment area for ozone.

**Sec. 7. Subsection (g) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended as follows:**

**(g) Fleet Average Emissions Reporting Requirements.**

(1) For the purposes of determining compliance with the requirements of subsections (c)(3) and (e) of this section, commencing with the 2008 model year, each manufacturer shall submit annually to the Department, by March 1<sup>st</sup> of the calendar year succeeding the end of the model year, a report which demonstrates that such manufacturer has met the fleet average emissions

requirements for its fleet delivered for sale in Connecticut. Commencing with the 2009 model year, such report shall include medium-duty vehicles.

(2) Prior to the commencement of each model year, commencing with the 2008 model year, each manufacturer shall submit, to the Department, a projection of the fleet average emissions for vehicles to be delivered for sale in Connecticut during such model year. Commencing with the 2009 model year, such report shall include medium-duty vehicles.

(3) Commencing with the 2009 model year, each manufacturer shall report the average greenhouse gas emissions of its fleet delivered for sale in the State of Connecticut, using the same format used to report such information to CARB. If the voluntary compliance option described in subsection (n)(2) of this section is used, a manufacturer shall report separate data for the multi-state pool and the Connecticut portion. Such report shall be filed with the commissioner by March 1<sup>st</sup> of the calendar year succeeding the end of the model year and shall include the number of greenhouse gas vehicle test groups certified pursuant to subsection (m)(5) of this section, delineated by model type, delivered for sale into the State of Connecticut.

(4) A manufacturer that elects to demonstrate compliance pursuant to subsection (n)(3) of this section shall submit to the Department a copy of the official report demonstrating compliance with the national greenhouse gas program. The submitted report shall contain the information and be in the format required in California Code of Regulations, Title 13, section 1961.1.

**Sec. 8. Subsection (n) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended as follows:**

**(n) Greenhouse gas emission standards and related requirements.**

(1) Each manufacturer subject to the greenhouse gas provisions of this section shall demonstrate compliance with such provisions as required by, and in accordance with, [Code of] California Code of Regulations, Title 13, section 1961.1.

(2) For all 2009 and subsequent model year vehicles, manufacturers may demonstrate compliance based on the total number of passenger cars, light-duty trucks, and medium-duty passenger vehicles certified to the California exhaust emission standards in California Code of Regulations, Title 13, section 1961.1, which are produced and delivered for sale in Connecticut, California, and all other states that have adopted California's greenhouse gas emission standards pursuant to section 177 of the Clean Air Act. A manufacturer that fails to comply under the provisions of this subdivision shall be subject to applicable penalties and shall be required to comply with the greenhouse gas standards pursuant to subdivision (1) of this subsection.

(3) For the 2012 through 2016 model years, a manufacturer may elect to demonstrate compliance with the California exhaust emissions standards by demonstrating compliance with the national greenhouse gas program pursuant to California Code of Regulations, Title 13, section 1961.1. A manufacturer with outstanding greenhouse gas debits at the end of the 2011 model year shall submit a plan to the Department describing how the debits will be offset utilizing credits earned under the national greenhouse gas program.

**Sec. 9. Table 36b-1 of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended as follows:**

<b>Table 36b-1</b>  <b>California Code of Regulations (CCR)</b> <b>Title 13</b> <b>Provisions Incorporated by Reference</b>		
<b>Title 13 CCR</b>	<b>Title</b>	<b>Section Amended Date</b>
<b>Chapter 1 Motor Vehicle Pollution Control Devices</b>		
<b>Article 1 General Provisions</b>		
Section 1900	Definitions	04/17/09
<b>[Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles)]</b>		
Section 1956.8(g) and (h)	Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles	10/11/07
Section 1960.1	Exhaust Emission Standards and Test Procedures – 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	03/26/04
Section 1961	Exhaust Emission Standards and Test Procedures – 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	06/16/08
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	[01/01/06] <u>04/01/10</u>
Section 1962	Zero Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	04/17/09
Section 1962.1	Zero Emission Vehicle Standards for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	04/17/09
Section 1965	Emission Control, Smog Index, and Environmental Performance Labels – 1979 and Subsequent Model Year Vehicles	06/16/08
Section 1968.1	Malfunction and Diagnostic System Requirements – 1994 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	11/27/99
Section 1968.2	Malfunction and Diagnostic System	11/09/07

	Requirements – 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	
Section 1968.5	Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines	11/09/07
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	01/04/08
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	01/04/08
<b>Article 6 Emission Control System Warranty</b>		
Section 2035	Purpose, Applicability and Definitions	11/09/07
Section 2036	Defects Warranty Requirements for 1979 through 1989 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles; 1979 and Subsequent Model Year Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles.	5/15/99
Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	11/09/07
Section 2038	Performance Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	11/09/07
Section 2039	Emission Control System Warranty Statement.	12/26/90
Section 2040	Vehicle Owner Obligations	12/26/90
Section 2046	Defective Catalyst	1/16/79
<b>Chapter 2 Enforcement of Vehicle Emission Standards and Enforcement Testing.</b>		
<b>Article 1 Assembly Line Testing.</b>		
Section 2062	Assembly-line Test Procedures 1998 and Subsequent Model-years.	11/27/99
<b>Article 2 Enforcement of New and In-use Vehicle Standards</b>		
Section 2101	Compliance Testing and Inspection – New Vehicle Selection, Evaluation and Enforcement Action.	11/27/99
Section 2109	New Vehicle Recall Provisions.	12/30/83
Section 2110	Remedial Action for Assembly-Line Quality Audit Testing of Less than a Full Calendar	11/27/99



	Quarter of Production Prior to the 2001 Model-Year.	
<b>Article 2.1 Procedures for In-Use Vehicle Voluntary and Influenced Recalls.</b>		
Section 2111	Applicability.	01/04/08
Section 2112	Definitions.	11/15/03
	Appendix A to Article 2.1.	11/15/03
Section 2113	Initiation and Approval of Voluntary and Influenced Recalls.	1/26/95
Section 2114	Voluntary and Influenced Recall Plans.	11/27/99
Section 2115	Eligibility for Repair.	1/26/95
Section 2116	Repair Label.	1/26/95
Section 2117	Proof of Correction Certificate.	1/26/95
Section 2118	Notification.	1/26/95
Section 2119	Record keeping and Reporting Requirements.	11/27/99
Section 2120	Other Requirements Not Waived.	1/26/95
<b>Article 2.2 Procedures for In-Use Vehicle Ordered Recalls.</b>		
Section 2122	General Provisions.	01/4/08
Section 2123	Initiation and Notification of Ordered Emission-Related Recalls.	1/26/95
Section 2124	Availability of Public Hearing.	1/26/95
Section 2125	Ordered Recall Plan.	1/26/95
Section 2126	Approval and Implementation of Recall Plan.	1/26/95
Section 2127	Notification of Owners.	1/26/95
Section 2128	Repair Label.	1/26/95
Section 2129	Proof of Correction Certificate.	1/26/95
Section 2130	Capture Rates and Alternative Measures.	11/27/99
Section 2131	Preliminary Tests.	1/26/95
Section 2132	Communication with Repair Personnel.	1/26/95
Section 2133	Record keeping and Reporting Requirements.	1/26/95
Section 2135	Extension of Time.	1/26/95
<b>Article 2.3 In-Use Vehicle Enforcement Test Procedures.</b>		
Section 2136	General Provisions.	01/04/08
Section 2137	Vehicle Selection.	12/28/00
Section 2138	Restorative Maintenance.	11/27/99
Section 2139	Testing.	8/21/02
Section 2140	Notification of In-Use Results.	8/21/02
<b>Article 2.4 Procedures for Reporting Failure of Emission-Related Components.</b>		
Section 2141	General Provisions.	01/04/08
Section 2142	Alternative Procedures.	2/23/90
Section 2143	Failure Levels Triggering Recall.	11/27/99
Section 2144	Emission Warranty Information Report.	11/27/99
Section 2145	Field Information Report.	11/27/99

Section 2146	Emissions Information Report.	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards.	8/21/02
Section 2148	Evaluation of Need for Recall.	11/27/99
Section 2149	Notification of Subsequent Action.	2/23/90
<b>Article 5 Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action</b>		
Section 2166	General Provisions	01/04/08
Section 2166.1	Definitions.	01/04/08
Section 2167	Emission Warranty Information Report.	01/04/08
Section 2168	Supplemental Emissions Warranty Information Report.	01/04/08
Section 2169	Recall and Corrective Action for Failures of Exhaust After-Treatment Devices.	01/04/08
Section 2170	Recall and Corrective Action for Other Emission-Related Component Failures (On-Board Diagnostic-Equipped Vehicles and Engines).	01/04/08
Section 2171	Recall and Corrective Action for Vehicles without On-Board Diagnostic Systems, Vehicles with Non-Compliant On-Board Diagnostic Systems, or Vehicles with On-Board Computer Malfunction.	01/04/08
Section 2172	Notification of Required Recall or Corrective Action by the Executive Officer.	01/04/08
Section 2172.1	Ordered or Voluntary Corrective Action Plan.	01/04/08
Section 2172.2	Approval and Implementation of Corrective Action Plan.	01/04/08
Section 2172.3	Notification of Owners.	01/04/08
Section 2172.4	Repair Label.	01/04/08
Section 2172.5	Proof of Correction Certificate.	01/04/08
Section 2172.6	Preliminary Tests.	01/04/08
Section 2172.7	Communication with Repair Personnel.	01/04/08
Section 2172.8	Recordkeeping and Reporting.	01/04/08
Section 2172.9	Extension of Time.	01/04/08
Section 2173	Penalties.	01/04/08
Section 2174	Availability of Public Hearing.	01/04/08
<b>Chapter 4.4 Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks.</b>		
Section 2235	Requirements.	9/17/91

**Sec. 10. Section 22a-174-8(b)(1) of the Regulations of Connecticut State Agencies is revised as follows:**

- (1) Existing sources must comply with [subsections] sections [22a- 174-17(b),] 22a-174-18(b), 22a-174-18(d), and 22a-174-23(a) of the Regulations of Connecticut State Agencies by June 1, 1972.

**Sec. 11. Subdivisions (3) and (4) of subsection (c) of section 22a-174-26 of the Regulations of Connecticut State Agencies are amended as follows:**

- (3) [There is no fee for any permit issued to a municipality or to an agency of the state or political or administrative subdivision thereof under section 22a-174-100 of the Regulations of Connecticut State Agencies.] Reserved.
- (4) [There is no fee for any certificate required under section 22a-174-17 of the Regulations of Connecticut State Agencies.] Reserved.

**Sec. 12. Section 22a-174-17 of the Regulations of Connecticut State Agencies is repealed.**

**Sec. 13. Section 22a-174-43 of the Regulations of Connecticut State Agencies is repealed.**

**Sec. 14. Section 22a-174-100 of the Regulations of Connecticut State Agencies is repealed.**

**Statement of Purpose**

This regulatory proposal is a series of changes to the Department of Energy and Environmental Protection's (DEEP's) air quality programs that will function to reduce regulatory burdens on Connecticut businesses and administrative burdens on DEEP, without interfering with DEEP's progress towards meeting its air quality goals.

This proposal has three components:

- The addition of fine particulate matter requirements into DEEP's new source review permitting program, to retain federal program approval;
- Additional compliance options for vehicle manufacturers under DEEP's low emission vehicle program; and
- The repeal of non-core air quality programs.

**Fine Particulate Matter (PM<sub>2.5</sub>) Criteria for Air Permits (Sections 1 through 6)**

DEEP is proposing to include the pollutant fine particulate matter, or PM<sub>2.5</sub>, in DEEP's new source review (NSR) permit program. While the U.S. Environmental Protection Agency (EPA) first promulgated a National Ambient Air Quality Standard for PM<sub>2.5</sub> in 1997, EPA allowed states to use the pollutant PM<sub>10</sub> as a surrogate for PM<sub>2.5</sub> in NSR permitting programs until certain technical problems were resolved and EPA issued guidance for the states. EPA has issued two relevant implementation rules and has required states to adopt the necessary requirements by July 20, 2012. The revisions help DEEP and the regulated community to understand what new sources or modifications have the potential to impact PM<sub>2.5</sub> levels and thus warrant additional permitting requirements.

The proposal also revises an unrelated portion of the NSR permit program to achieve consistency with federal requirements in 40 CFR 51.165(a)(2). The revision links the applicability for preconstruction review requirements in nonattainment areas to the pollutant for which the area is designated as nonattainment. The difference between the state and federal requirements has caused considerable delay in processing several NSR permits, so the harmonization of the requirements is likely to streamline certain future applications.

Once adopted, these requirements will be submitted to EPA and will allow DEEP to retain full approval of its NSR permitting program.

**Compliance Flexibility in the Low Emission Vehicle Program (Sections 7 through 9)**

DEEP is proposing to increase the compliance flexibility available to vehicle manufacturers under Connecticut's low emission vehicle program, as follows:

- The greenhouse gas standards are revised to allow for alternative compliance with the joint federal EPA/National Highway Traffic Safety Administration greenhouse gas (GHG) standards; and
- An additional voluntary compliance mechanism allows a manufacturer to demonstrate compliance based on the total number of passenger cars, light-duty trucks, and medium-duty passenger vehicles sold in all states that have adopted California's vehicle GHG emissions standards under CAA section 177, rather than the current fleet average requirements, which limit averaging only to the state of Connecticut.

The proposed revisions are required under CAA section 177, which requires Connecticut's low emission vehicle program to maintain requirements identical to California's program.

### **Repeal of Non-Core Programs (Sections 10 through 14)**

DEEP recognizes the need to eliminate programs that are no longer necessary to DEEP's core mission. Accordingly, DEEP proposes to repeal the following three discretionary air management programs:

- Control of open burning;
- Portable fuel container spillage control; and
- Permits for construction of indirect sources.

Staff resources freed by this amendment can be devoted to more immediate permitting and enforcement needs. In addition to the repeal of the three programs described below, the amendment proposes to revise the Air Bureau's general fee regulation to delete exemptions from fees provided for the open burning and indirect source permit programs.

Open burning. In a series of public acts in 1996, 1999 and 2000, the Connecticut General Assembly developed an open burning program via statute, CGS section 22a-174(f), which allows DEEP's commissioner, along with local officials, to enforce open burning requirements. This statutory program is self-implementing, comprehensive and supersedes DEEP's authority under RCSA section 22a-174-17, an open burning regulation developed in 1983. The continued existence of RCSA section 22a-174-17 serves only to confuse and is therefore proposed for repeal.

Portable fuel containers. In 2007, EPA promulgated national evaporative emissions standards for portable fuel containers (aka gas cans), which apply to containers manufactured on and after January 1, 2009. These federal standards are as protective of air quality as DEEP's portable fuel container spillage control requirements (RCSA section 22a-174-43), which DEEP adopted in 2004 as part of a regional initiative. To eliminate the redundant regulatory requirements, DEEP is proposing to repeal the Connecticut regulation, leaving manufacturers to comply with EPA's national standards. This approach will allow Connecticut to retain expected air quality benefits, while saving enforcement and administrative resources.

Indirect source permits. DEEP is proposing to repeal the indirect source permit (ISP) program of RCSA section 22a-174-100. The ISP program requires the Connecticut Department of Transportation (DOT) to obtain an ISP permit from DEEP before beginning certain state highway construction projects. DEEP recognizes that many of the ISP program elements are duplicated in the transportation conformity process, the National Environmental Protection Act and/or the Connecticut Environmental Policy Act. Hence, the ISP program is no longer programmatically necessary for Connecticut. DEEP is developing a joint Memorandum of Agreement with DOT to ensure that, with the repeal of RCSA section 22a-174-100, the limited air quality benefits of the ISP program, especially with respect to emissions from construction equipment, continue in a more efficient, streamlined and less costly manner.